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November 29, 1983

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File: Talbot Ind.
mo D007140874

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DEC 06 1983

WATER COMPLIANCE BRANCH

Mr. Gene Schwartz, President
Talbot Industries, Incorporated
1211 Harmony Street, P.O. Box 608
Neosho, MO 64850



R00354333

RCRA RECORDS CENTER

Dear Mr. Schwartz

This letter is in response to your November 2, 1983, letter to myself, and constitutes the department's final statement concerning the request to register the spent pickle liquor generated at your facility. This letter is resulting from the review of all past correspondence concerning this matter to and from this office and EPA by a number of my staff; it, therefore, constitutes the department's final statement. This letter does not specifically refute each contention presented in past correspondence by Talbot Industries or your consultant, but rather presents all applicable statutes and regulations concerning the applicability of 10 CSR 25-5.010 to the subject waste material; note specifically the requirements for hazardous waste registration pursuant to Subsection (3) (B) of this rule.

The statutory definition of waste is provided in Section 260.360(17) RSMo and states in part:

"Waste" shall also include certain residual materials, to be specified by the rules and regulations, which may be sold for purposes of energy or materials reclamation, reuse or transformation into new products which are not wastes."

This definition clearly provides statutory authority to regulate and require waste registration for materials which are used, reused, or even sold.

The regulations promulgated by the Missouri Hazardous Waste Management Commission pursuant to Section 260.370.3(1)(a) RSMo, state the following in regard to this matter and pertaining to the subject waste material:

1. 10 CSR 25-4.010(7) (A)1. states in part, the following

"Spent materials, sludges, and by-products... listed in Section 6 of this rule [spent pickle liquor is listed in Subsection (6) (H) under K062]... are designated as wastes when - used or reused in a manner constituting disposal."

The use or reuse of spent pickle liquor as a coagulant or flocculent is use or reuse in a manner constituting disposal.

Christopher S. Bond Governor
Fred A. Lafser Director

Division of Environmental Quality
Robert J. Schreiber Jr., P.E. Director

MISSOURI DEPARTMENT OF NATURAL RESOURCES
P.O. Box 1368
1915 Southridge Drive
Jefferson City, Missouri 65102
(314) 751-3241

2. 10 CSR 25-4.010(8) (B) 2. states

"A hazardous waste listed in Section (6) of this rule that is mixed with wastewater and discharged to a sewer system to a publicly owned treatment works is a hazardous waste regulated by 10 CSR 25-5. In calculating the generation rate in 10 CSR 25-5.010(3) (B) 2., the process effluent generating the hazardous waste shall be used, unless the discharge into the sewer meets criteria as a hazardous waste in Section (2) through (5) of this rule [ignitable, corrosive, reactive, or E.P. Toxic], in which case the entire effluent at the point of entry into the sewer shall be considered a hazardous waste."

Exceptions to the paragraph are: if the mixture meets the conditions of (8) (B) 3.A. through E. of this rule, which the subject waste does not; discharges from pretreatment systems if treated in compliance with applicable pretreatment requirements; and mixtures in the sewer itself. This states that the mixture of spent pickle liquor with lime slurry and/or wastewater is a hazardous waste regulated under 10 CSR 25-5 until it is discharged from the pretreatment system or enters the sewer. In calculating the amount of hazardous waste though, only the amount of spent pickle liquor should be recorded for compliance with 10 CSR 25-5.010(3) (B) 2.

The addition of a lime slurry into the spent pickle liquor is treatment of a hazardous waste as defined in Section 260.360(16) RSMo, which states

"Treatment," the processing of waste to remove or reduce its harmful properties or to contribute to more efficient or less costly management or to enhance its potential for resource recovery including, but not limited to, existing or future procedures for biodegradation, concentration, detoxification, fixation, incineration or neutralization."

The treatment of hazardous waste requires a hazardous waste treatment permit pursuant to Section 260.390 RSMo, with a few exceptions as described in 10 CSR 25-7.011(1). In a brief discussion with Mr. Burt McCullough of the Springfield Regional Office, it was stated that the treatment occurs in a diked area surrounding the pickling tank. It is presumed that this could meet the definition of a tank, assuming it does not depend on soils for structural support. This being the case, the treatment process does meet the exclusion from permitting provided in 10 CSR 25-7.011(1) (B) as a wastewater treatment unit. Under this exclusion, owners/operators still must comply with the proposed federal standards in 40 CFR Part 266 Subpart B as published in the November 17, 1980, Federal Register (a copy is enclosed for your convenience).

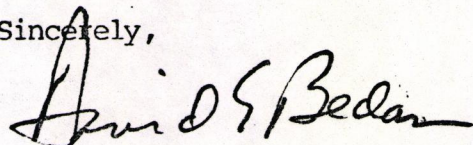
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Please note that the above mentioned exclusion from the permit requirements does not change the fact that the spent pickle liquor is still regulated as a hazardous waste under 10 CSR 25-5.010 ;it, therefore, must be registered with this office. Please note also that the regulations do provide for the director revoking this permit exclusion if it is deemed necessary or if a company is in non-compliance with the 40 CFR 266 Subpart B standards.

To summarize, the spent pickle liquor is a regulated hazardous waste; therefore, to prevent enforcement action pursuant to Section 260.410 RSMo, Talbot Industries must complete the enclosed re-registration forms, HWG-1 and HWG-1A by December 14, 1983. The treatment of the spent pickle liquor with lime slurry in a tank is presently exempt from the permit process until notice is given contrary to this effect. The resultant discharge to the city sewer is not a hazardous waste, at least once it is in the sewer system. As a generator, Talbot Industries is subject to the requirements of sections 260.478, RSMo, Revised Supplement 1983. You will be receiving a bill for this tax payment in December.

If there are any questions concerning this letter or statutes and regulations quoted or referenced herein, please feel free to contact Mr. Paul Meiburger of the Enforcement/Superfund Section of my staff.

Sincerely,



David E. Bedan, Ph.D.
Director
Waste Management Program

DB:PM:kd

Enclosure

cc: Carol Eighmey
Springfield Regional Office
Frank Dolan
U.S. EPA Region VII ✓
Paul Meiburger

① Change name of installation to:
Talbot Industries, Inc.

② Annual Report

③ File write + get
new notes +
name ch / contact